

## **Minutes of the Regular Meeting of the Ankeny City Council**

Monday, April 19, 2010 - 5:30 P.M.

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

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Mayor Van Oort called the meeting to order at 5:30 p.m. All Council members were present. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort led the Pledge of Allegiance.

### **CEREMONY:**

Mayor Van Oort read proclamations for National Volunteer Week, April 18 – 24, 2010 and for Building Safety Month, May 2010.

### **A. PUBLIC FORUM**

Citizen Open Forum: none

### **B. APPROVAL OF AGENDA**

**ACTION #1.** Strait made the MOTION to approve and accept the April 19, 2010 agenda, with amendments: addition of CA-40, a Resolution granting partial termination certificate and Action Item #23 (setting hearing for current city budget amendment) and revision to Ordinance 1660-Action #11, seconded by Welch.

#### **ROLL CALL**

|              |     |   |    |   |
|--------------|-----|---|----|---|
| 2010-0419.01 | YES | 5 | NO | 0 |
|--------------|-----|---|----|---|

### **C. PUBLIC HEARING(S):**

- **PH 2010-10:** Proposed issuance of not to exceed \$8,200,000 General Obligation Refunding Bonds, Series 2010C (for an essential corporate purpose)

Mayor Van Oort announced this is the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$8,200,000 General Obligation Refunding Bonds, Series 2010C, in order to provide funds to pay costs of refunding project notes previously issued for the acquisition of fire equipment, construction of bridges, street and sidewalk improvements, traffic control devices and improvements for the collection and disposal of surface waters and streams, improvements and extensions to the Municipal Sewer Utility, improvements to existing parks of the type normally found in parks, the acquisition of park land, and refunding outstanding General Obligation Bonds, Series 2002A, dated May 15, 2002, and General Obligation Bonds, Series 2002B, dated May 15, 2002, an essential corporate purpose.

Notice of this hearing was published in the Des Moines Register on the 9<sup>th</sup> day of April, 2010 pursuant to the provisions of Sections 384.25 of the City Code of Iowa.

Jennifer Sease, Finance Director, addressed the council on all three public hearings with the first public hearing for the refunding of Series 2002 A & B, stating a \$78,000 savings is projected with this sale, which is scheduled for May 3<sup>rd</sup> at 1:00 p.m. She further stated the second and third hearings were for sale of bonds for funding of projects, separated as \$700,000 general corporate purpose and \$13,000,000 essential corporate purpose. The general corporate purpose sale would provide for funding of parks, aquatic center and recreational trail projects. The essential corporate purpose sale would provide funding for the acquisition of equipment for police and fire departments and capital improvement projects related to street/sidewalk improvements traffic control devices and improvements for the collection and disposal of surface waters and streams, improvements and extensions to the Municipal Sewer Utility, improvements and extensions to the Municipal Water Utility, and improvements to existing parks of the type normally found in parks. The sale of the \$13,000,000 is scheduled for June 7<sup>th</sup> at 10:00 a.m.

**ACTION #2. Strait made the MOTION to close Public Hearing 2010-10, seconded by Kissinger.**

**ROLL CALL**

**2010-0419.02                      YES    5            NO    0**

Mayor Van Oort further stated consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

- **PH 2010-11:** Proposed issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010D (for a general corporate purpose)

Mayor Van Oort announced this is the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$700,000 of General Obligation Bonds, Series 2010D, in order to provide funds to pay costs of construction, enlargement and improvement of recreation grounds, parks and the aquatic center, a general corporate purpose.

Notice of this hearing and right to petition for an election was published in the Des Moines Register on the 9<sup>th</sup> day of April, 2010 pursuant to the provisions of Section 384.26 of the City Code of Iowa.

**ACTION #3. Welch made the MOTION to close Public Hearing 2010-11, seconded by Steenhoek.**

**ROLL CALL**

**2010-0419.03                      YES    5            NO    0**

Mayor Van Oort further stated consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

- **PH 2010-12:** Proposed issuance of not to exceed \$13,000,000 General Obligation Bonds, Series 2010D (for an essential corporate purpose)

Mayor Van Oort announced this is the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$13,000,000 General Obligation Bonds, Series 2010D, in order to provide funds to pay costs of acquisition of equipment for the Fire and Street Departments, street and sidewalk improvements, traffic control devices and improvements for the collection and disposal of surface waters and streams, improvements and extensions to the Municipal Sewer Utility, improvements and extensions to the Municipal Water Utility, and improvements to existing parks of the type normally found in parks, an essential corporate purpose.

Notice of this hearing was published in the Des Moines Register on the 9<sup>th</sup> day of April, 2010 pursuant to the provisions of Sections 384.25 of the City Code of Iowa.

**ACTION #4. Kissinger made the MOTION to close Public Hearing 2010-12, seconded by Strait.**

**ROLL CALL**

**2010-0419.04                      YES    5                      NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

- **PH 2010-13:** Proposed 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street

Mayor Van Oort announced this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for the construction of certain public improvements described in general as construction of the proposed 2010 PCC Reconstruction Project – NW 9<sup>th</sup> Street. The Notice of Hearing and Letting was published in the Des Moines Register on the 2<sup>nd</sup> day of April, 2010.

Paul Moritz, Director of Public Works, reported that five bids were received on April 13<sup>th</sup> for this project, with bids ranging from 6% below to 10% over the engineer's estimate of \$570,067.00. Staff recommends award of construction contract to Con-Struct, Inc., of Ames, Iowa, as the low bidder, in the amount of \$535,878.00.

**ACTION #5. Steenhoek made the MOTION to close Public Hearing 2010-13, seconded by Block.**

**ROLL CALL**

**2010-0419.05                      YES    5                      NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

**D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

Plan & Zoning Commission Representative, Dean Godwin updated the council on the activities of the Plan & Zoning Commission.

Park Board Representative, Todd Seaman updated the council on the activities of the Park Board.

**E. REPORT OF LOBBYIST:** Mona Bond reported on the 2010 legislative session.

**F. APPROVAL OF CONSENT AGENDA:**

• **Minutes**

- CA-1 Approval of official council actions of the special meeting of March 8, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-2 Approval of official council actions of the regular meeting of April 5, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-3 Receive and file minutes of the Plan & Zoning Commission meeting of April 6, 2010, subject to correction, as recommended by the recording secretary.
- CA-4 Receive and file minutes of the Park Board Meeting of March 29, 2010, subject to correction, as recommended by the recording secretary.
- CA-5 Receive and file minutes of the Library Board meeting of March 18, 2010, subject to correction, as recommended by the recording secretary.
- CA-6 Receive and file minutes of the Civil Service Commission Meeting of April 8, subject to correction, as recommended by the recording secretary.
- CA-7 Receive and file minutes of the Civil Service Commission Meeting of April 15, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

- CA-8 Consider motion to approve a Class C Liquor License w/Sunday Sales for 34's PIZZA LLC, d/b/a 34's Sports Grill, 1810 SW White Birch Circle. (new)
- CA-9 Consider motion to approve a Class B Liquor License w/Sunday Sales & Catering Privilege for Metro Food & Drink, L.C., d/b/a Ankeny Diner, 133 SE Delaware Avenue. (renewal)
- CA-10 Consider motion to approve a Class C Liquor License w/Sunday Sales for LAM, Inc., d/b/a China Moon, 225 SE Oralabor Road. (renewal)
- CA-11 Consider motion to approve a Class B Beer Permit w/Sunday Sales for CCW LLC, d/b/a Huhot Mongolian Grill, 2310 SE Delaware Avenue, Suite A. (new)
- CA-12 Consider motion to approve a Class E Liquor License w/Sunday Sales and Carryout Beer & Wine for Hy-Vee, Inc., d/b/a Hy-Vee Drugstore, 849 South Ankeny Blvd. (renewal)
- CA-13 Consider motion to approve a Class E Liquor License w/Sunday Sales and Carryout Beer & Wine for Hy-Vee, Inc, d/b/a Hy-Vee Food Store, 410 North Ankeny Blvd. (renewal)

- CA-14** Consider motion to approve a Class E Liquor License w/Sunday Sales & Carryout Beer & Wine for Kelly & Mike Casel d/b/a Spirit Boulevard, 1802 SE Delaware, Suite 112. (new)

• **Finance/Budget**

- CA-15** Consider motion to receive and file Financial Reports for March 2010.
- CA-16** Consider motion to receive and file Building Permit Report for March 2010.
- CA-17** Consider motion to receive and file Utility Billing Report for March 2010.
- CA-18** Consider motion to receive and file correspondence received from the Uptown Ankeny Association dated April 6, 2010, requesting sponsorship funding for the annual La Vitsef/Ragbrai Reunion Event (August 28, 2010) and authorize payment in the amount of \$1,000.00 from hotel/motel tax dollars.
- CA-19** Consider motion to approve Change Order #1 decreasing the contract amount by \$5,555.00 to Con-Struct, Inc., for construction services on the Otter Creek & Renaissance Park Improvements Project - Phase II.
- CA-20** Consider motion to approve Amendment #1 to the Professional Services Agreement in the amount of \$10,300.00 to Howard R. Green Company for final design engineering services on the I-35 & NE 36th Street Interchange Project.
- CA-21** Consider motion to approve Payment #1 in the amount of \$46,788.65 to Howard R. Green Company for engineering design services on the I-35 & NE 36<sup>th</sup> Street Interchange Project – Final Design.
- CA-22** Consider motion to approve Payment #7 in the amount of \$10,173.00 to Nilles Associates, Inc., for engineering services on The District at Prairie Trail Project.
- CA-23** Consider motion to approve Payment #8 in the amount of \$18,377.28 to Sternquist Construction, Inc., for construction services on the 2009 SE Oralabor Road Reconstruction Project.
- CA-24** Consider motion to approve Payment #20 in the amount of \$17,400.00 to Water's Edge Aquatic Design, LLC for design services on the Cascade Falls Aquatic Center Design Project.
- CA-25** Consider motion to approve Payment #21 in the amount of \$23,200.00 to Water's Edge Aquatic Design, LLC for design services on the Cascade Falls Aquatic Center Design Project.

- CA-26** Consider motion to approve the April 19, 2010 Accounts Payable from the following funds: General \$128,135.56, Fire Gift \$2,150.00, Hotel Motel Tax \$10,793.82, Road Use Tax \$20,453.01, Tax Increment Financing \$303.00, Economic Development \$2,830.90, Police/Fire Pension \$1,606.60, Recreation Activities \$6.00, Solid Waste \$32,749.30, Water \$197,887.15, Sewer \$145,157.63, Sewer Improvement 67,047.10, Stormwater \$434.54, Golf Course \$26,807.89, Enterprise Project \$211,788.73, Revolving 41,720.62, Risk Management \$6,911.58, Health Insurance 948.00, Equipment Reserve \$30.19, Capital Projects \$916,653.41, Payroll \$597,765.81, Less Service Transfers (\$123.82), Less Agenda Payments Approved Separately (\$115,938.93), Grand Total \$2,296,118.09. (Finance Committee: D. Kissinger, Chp., T. Strait, C. Block)

• **Personnel Items:**

- CA-27** Consider motion to approve the list of candidates certified eligible for appointment subject to passing all other requirements for the positions of equipment operator, grounds keeper, or Park Maintenance Tech.
- CA-28** Consider motion to approve the list of candidates certified eligible for appointment to firefighter/paramedic subject to passing any further requirements.
- CA-29** Consider motion to approve the list of employees certified eligible for promotion to fire engineer, subject to passing any further requirements.
- CA-30** Consider motion to approve the list of employees certified eligible for promotion to fire lieutenant, subject to passing any further requirements.
- CA-31** Consider motion to approve the list of employees certified eligible for appointment to park maintenance technician I subject to passing all other requirements.

• **Community Development Items**

- CA-32** Consider motion to approve the Preliminary Plat for Otter Creek Commercial Plat 1, waive the limitation of the 500' standard for the cul-de-sac length and authorize cost participation for over sizing of street pavement.
- CA-33** Consider motion to approve a request from City staff to initiate a street right-of-way vacation on a portion of NW 98<sup>th</sup> Avenue and refer to the Plan and Zoning Commission for its study and recommendation.

• **Engineering Items:**

- CA-34** Consider motion to adopt RESOLUTION 2010-079 approving the offer to purchase street right-of-way and permanent easement from Elwell Inc., for the construction of the SW Magazine Road and SW Cherry Street Paving Project.

**CA-35** Consider motion to adopt RESOLUTION 2010-080 approving a contract between the watershed improvement review board (WIRB) and the City of Ankeny, Iowa related to WIRB funding for urban stormwater best management practices (BMPs) for the SE Tributary to Fourmile Creek and to authorize the mayor to execute said contract.

**CA-36** Consider motion to adopt RESOLUTION 2010-081 approving a bid from Outdoor Recreation Products in the amount of \$157,325 for the purchase of a play ground and related amenities for the Hillside Park Project.

- **Capital Improvement Projects - Final Acceptance – None**

- **Administrative Items:**

**CA-37** Consider motion to receive and file correspondence received from Mediacom dated March 30, 2010, regarding certain cable service rate increases and HD channel replacements, effective May 1, 2010.

**CA-38** Consider motion to adopt RESOLUTION 2010-082 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing delinquent utility account balances against property.

**CA-39** Consider motion to approve proposal from HPC, LLC in the not-to-exceed amount of \$89,361.08 for the remediation of interior punch list for the Police Department Headquarters Building Project.

- **Final Agenda Additions::**

**CA-40** Consider motion to adopt RESOLUTION 2010-093, granting a partial termination certificate of the redevelopment agreement between the City of Ankeny, Iowa and DRA Properties, L.C.

**ACTION #6.** Welch made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-40, seconded by Kissinger.

**ROLL CALL**

**2010-0419.06                      YES    5                      NO    0**

**G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:**

**ACTION #7.** No action taken.

**H. RECESS:** none

**I. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

**Ordinance 1657:** An ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by adding a new section establishing the SE Four Mile Drive Water Connection District 1.

**ACTION #8.** Strait made the MOTION to accept second consideration of ORDINANCE 1657, seconded by Kissinger.

**ROLL CALL**

**2010-0419.08                      YES    5            NO    0**

**Ordinance 1658:** An ordinance vacating all easements located on Lots 2, 3, 7, 8, 9 and 10, Plaza Shops at Prairie Trail Plat 1.

**ACTION #9.** Steenhoek made the MOTION to accept second consideration of ORDINANCE 1658, seconded by Kissinger.

**ROLL CALL**

**2010-0419.09                      YES    5            NO    0**

**Ordinance 1659:** An ordinance amending the Municipal Code of the City of Ankeny, Iowa by adding new Chapter 11, Special Events.

Council member Block questioned the definition of special event. After discussion by the council, it was the consensus to approve the first reading and that staff will review the council's comments and revise the definition for the second reading on May 3<sup>rd</sup>.

**ACTION #10.** Strait made the MOTION to accept first consideration of ORDINANCE 1659, seconded by Welch.

**ROLL CALL**

**2010-0419.10                      YES    5            NO    0**

**Ordinance 1660:** An ordinance amending Chapter 44, Noise Control.

Council member Block expressed concern with the language under section (i) of the ordinance, requiring the shutting down of an event, stating it seemed too strict. After discussion by the council, it was the consensus to approve first reading and that staff will review the council's comments and revise the ordinance for the second reading on May 3<sup>rd</sup>.

**ACTION #11.** Kissinger made the MOTION to accept first consideration of ORDINANCE 1660, seconded by Welch.

**ROLL CALL**

**2010-0419.11                      YES    5            NO    0**

**J. OLD BUSINESS:** none

**K. NEW BUSINESS:**

- Proposed issuance of not to exceed \$8,200,000 General Obligation Refunding Bonds, Series 2010C for an essential corporate purpose. (PH 2010-10)



**ACTION #12.** Strait made the MOTION to adopt RESOLUTION 2010-083 instituting proceedings to take additional action for the issuance of not to exceed \$8,200,000 General Obligation Refunding Bonds, Series 2010C, seconded by Kissinger.

**ROLL CALL**

2010-0419.12            YES    5            NO    0

**ACTION #13.** Kissinger made the MOTION to adopt RESOLUTION 2010-084 directing the advertisement for sale of \$8,110,000 (amount subject to change) General Obligation Refunding Bonds, Series 2010C, and approving electronic bidding procedures, seconded by Welch. (date of sale: 05/3/10 – 1:00 p.m.)

**ROLL CALL**

2010-0419.13            YES    5            NO    0

**ACTION #14.** Block made the MOTION to adopt RESOLUTION 2010-085 approving the preliminary official statement for \$8,110,000 (amount subject to change) General Obligation Refunding Bonds, Series 2010C, seconded by Strait.

**ROLL CALL**

2010-0419.14            YES    5            NO    0

- Proposed issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010D, for a general corporate purpose. (PH 2010-11)

**ACTION #15.** Welch made the MOTION to adopt RESOLUTION 2010-086 instituting proceedings to take additional action for the issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010D, seconded by Steenhoek.

**ROLL CALL**

2010-0419.15            YES    5            NO    0

- Proposed issuance of not to exceed \$13,000,000 General Obligation Bonds, Series 2010D for an essential corporate purpose (PH 2010-12)

**ACTION #16.** Strait made the MOTION to adopt RESOLUTION 2010-087 instituting proceedings to take additional action for the issuance of not to exceed \$13,000,000 General Obligation Bonds, Series 2010D, seconded by Steenhoek.

**ROLL CALL**

2010-0419.16            YES    5            NO    0

**ACTION #17.** Block made the MOTION to adopt RESOLUTION 2010-088 directing the advertisement for sale of \$13,000,000 (amount subject to change) General Obligation Bond Anticipation Project Notes, Series 2010D, and approving electronic bidding procedures, seconded by Kissinger. (date of sale: 06/07/10 – 10:00 a.m.)

**ROLL CALL**

2010-0419.17            YES    5            NO    0

- Proposed 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street (PH 2010-13)

**ACTION #18.** Welch made the MOTION to adopt RESOLUTION 2010-089 adopting plans, specifications, form of contract and estimate of cost (\$570,067.00) for the 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street, seconded by Steenhoek.

**ROLL CALL**

2010-0419.18            YES    5            NO    0

**ACTION #19.** Strait made the MOTION to receive and file report of bids received for the 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street on April 13, 2010, seconded by Kissinger.

**ROLL CALL**

2010-0419.19            YES    5            NO    0

**ACTION #20.** Kissinger made the MOTION to adopt RESOLUTION 2010-090 making award of construction contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$535,878.00 for the 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street, seconded by Steenhoek.

**ROLL CALL**

2010-0419.20            YES    5            NO    0

**ACTION #21.** Block made the MOTION to adopt RESOLUTION 2010-091 approving construction contract and bond with Con-Struct, Inc., of Ames, Iowa, in the amount of \$535,878.00 for the 2010 PCC Reconstruction Program – NW 9<sup>th</sup> Street, seconded by Steenhoek.

**ROLL CALL**

2010-0419.21            YES    5            NO    0

- Proposed Loan Agreement - Polk County Aviation Authority

Council member Steenhoek inquired if the acquisition of property for PCAA was for a protection zone. Assistant City Manager, Dick Ash reported that the acquisition of property allows for the relocation of Four Mile Drive and to expand the protection zone to allow full use of the runway.

**ACTION #22.** Strait made the MOTION to adopt RESOLUTION 2010-092 authorizing loan pursuant to Chapter 15A to the Polk County Aviation Authority, seconded by Kissinger.

**ROLL CALL**

2010-0419.22            YES    5            NO    0

- Proposed Amendment of Current City Budget – FY 2010 (July 1, 2009 – June 30, 2010)  
Set Public Hearing Date

**ACTION #23.** Kissinger made the motion to set public hearing on an amendment to the current city budget for fiscal year July 1, 2009 – June 30, 2010 and direct the City Clerk to publish notice of such hearing, seconded by Welch. (date of hrg: 5/17/10 @ 5:30 p.m.)

**ROLL CALL**

**2010-0419.23                      YES    5            NO    0**

**L. ADMINISTRATIVE BUSINESS:**

- REPORT OF THE CITY STAFF: none
- REPORT OF THE GOVERNING BODY:

Mayor Van Oort stated the official dedication and open house of the FFA Enrichment Center held on Saturday was a successful event. He reported that over 100 students participated in the Mayor's Youth Council Symposium event held on Saturday at Otter Creek. The mayor stated the council action planning session scheduled for Monday, April 26<sup>th</sup> is cancelled.

Councilor Block reported on the MPO meeting he attended last week and suggested a letter be sent to the Chairperson of the MPO Executive Committee requesting recognition to the need for additional funding on the NE 36<sup>th</sup> Street interchange project. He also reported he would be absent for the May 17<sup>th</sup> council meeting.

***Future Council Agenda Items:***

- ***Public Hearing – amendment of current city budget – (date of hrg: 5/17/10 @ 5:30 p.m.)***

**M. ADJOURNMENT**

**ACTION #24.** There being no further business, Kissinger made the MOTION to adjourn, seconded by Strait. (6:50 p.m.)

**ROLL CALL**

**2010-0419.24                      YES    5            NO    0**

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Pamela DeMouth, City Clerk

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Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on May 3, 2010.

Published in the Des Moines Register on the 30<sup>th</sup> day of April, 2010.